

Remarks

Interview of February 19, 2008

The Undersigned would like to express his kind appreciation to Examiner Fortuna for his time and consideration and for a productive discussion of the issues pending in the present application. The Response herein is believed to express the consensus reached between the Examiner and the Undersigned during the Interview.

Claim Status

Claims 10-35 are pending in the application and are rejected. Independent Claims 10, 28, and 34 have been amended to recite the specified amounts of the components, as previously called for by Claim 31; and to delete the term "moist."

Rejections under 35 U.S.C. Section 112, 1st and 2nd Paragraphs

The rejection under 112, 1st Paragraph has been addressed, as discussed during the Interview, by amending Claims 10, 28, and 34 to call for the range of amounts for each of the components of the emulsion, as previously recited in Claim 31.

The rejection under 112, 2nd Paragraph has been addressed by deleting the term "moist" from the same claims.

Rejection under 35 U.S.C. § 103(a)

Claims 10-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,207,014 (de Haut).

The issue with respect to this rejection discussed during the Interview was whether the use of saturated fatty alcohols disclosed in de Haut would materially change the characteristics of Applicants' claimed invention.

The Undersigned and the Examiner agreed that the addition of a component of the prior art that **remains at the surface of the substrate**, rather than penetrates quickly into the substrate clearly would be a **material change** to the emulsions of the invention, **which emulsions penetrate very quickly into the substrates and become**

uniformly dispersed therein.

The following, as discussed during the Interview, clearly demonstrates this distinction between the prior art and the claimed invention.

At column 6, lines 62-67, de Haut describes that:

"The length of the carbon chain of the fatty alcohol is essential with respect to applying the lotion to the surface of the fibrous structures. A sufficiently long chain allows this kind of molecule to remain at the surface of the fibrous structure, such as a sheet of paper, rather than penetrating the surface and migrate into the structure." (Emphasis added.)

Thus, **de Haut describes that the saturated fatty alcohol remains at the surface of the fibrous structure, rather than penetrating the surface and migrating into the structure.**

By way of comparison, the specification at page 3, lines 10-15 describes that:

"The emulsions have low viscosities, even in highly concentrated form, so that they are easy to process. By virtue of their small droplet size, the emulsions penetrate very quickly into the tissues and are uniformly dispersed therein." (Emphasis added.)

As is clear from the teachings of de Haut above, **the saturated fatty alcohols of de Haut are selected so as to remain at the surface of the substrate, rather than penetrate and migrate into the substrate.**

Applicants' emulsions, by way of comparison, are **designed to penetrate into the substrates very quickly and become uniformly dispersed therein.**

Thus, it is respectfully submitted that Applicants have demonstrated that the addition of de Haut's saturated fatty alcohols, which remain at the surface, would clearly materially change the emulsions of the claimed invention.

It is respectfully submitted that Applicants have met the legal burden of demonstrating the material change of excluding the saturated fatty alcohol of de Haut from Applicants' emulsions, pursuant to *In re De Lajarte* and *Ex parte Hoffman* (cited by the Examiner in the Office Action dated August 29, 2006).

Summary

For the reasons above, as discussed during the Interview, it is respectfully submitted that Claims 10, 11, 13, and 16-35 are patentable over the prior art. Reconsideration and withdrawal of the rejections are respectfully requested.

Fees


A Petition for a One-Month Extension of Time is enclosed. No additional fees are believed due, but the Commissioner is authorized to charge (or credit any balance) any fees deemed due (or owing) to Deposit Account No. 50-1177.

Conclusion

It is respectfully submitted that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If anything further is needed to advance the allowance of this application, the Examiner is requested to contact the Undersigned at the telephone number indicated below in order to expedite the prosecution.

Respectfully submitted,

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